

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14333, of Earl C. Ravenal, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard requirements (Sub-section 3304.1), from the prohibition against allowing a required parking space to be located in the front yard of a dwelling (Paragraph 7205.22) and from the prohibition against allowing an addition to a dwelling causing the rear yard to become more nonconforming (Paragraph 7105.12) for a proposed addition to a dwelling, a nonconforming structure, in an R-1-A District at premises 4439 Cathedral Avenue, N.W. (Square 1610, Lot 57).

HEARING DATE: September 25, 1985  
DECISION DATE: October 2, 1985

FINDINGS OF FACT:

1. The subject site is located in the northeast corner of the intersection of Cathedral Avenue and 45th Street and is known as premises 4439 Cathedral Avenue, N.W. It is located in a R-1-A District.
2. The subject lot is rectangular in shape with a frontage of 100 feet along Cathedral Avenue and 75 feet along 45th Street.
3. The subject site is improved with a three story brick, detached dwelling unit.
4. The subject dwelling was constructed prior to May 12, 1958, the effective date of the current Zoning Regulations. At that date, the subject site became non-conforming as to rear yard.
5. The R-1-A District extends to the east, south and west of the subject site. An R-1-B District is located one lot north of the site.
6. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking variances from the rear yard requirements (Sub-section 3304.1), from the prohibition against allowing a required parking space to be located in the front yard of a dwelling (Paragraph 7205.22) and from the prohibition against allowing an addition to a dwelling causing the rear yard to become more nonconforming (Paragraph

7105.12) to construct two small additions to the subject structure.

7. Paragraph 8207.11 authorizes the BZA to grant an area variance where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to the owner of such property, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

8. The applicant and his wife have resided at the subject site for seventeen years and intend to continue residing there. The applicant's children occasionally reside at the subject site.

9. The Zoning Regulations require a rear yard set back of 25 feet. The house is now 24 feet seven inches away from the rear lot line.

10. The three-story addition proposed for the center of the north side, or rear of the existing structure will be in the shape of a semi-circle. It will protrude five feet into the rear yard and will measure approximately ten feet at its widest point.

11. The addition will encroach on the set back area by 5.3 feet or 21.2 percent.

12. The addition is intended to provide space to rebuild and enlarge the existing bathrooms which are now small and inadequate. This addition could not logically be placed in another space on the lot where it would be permitted as a matter-of-right since that would involve relocating all three bathrooms.

13. The proposed addition to the east of the subject structure, herein after referred to as the eastern addition, would expand the existing garage five feet to the north so that it would protrude into the required rear yard set backs area by 5.3 feet or 21.2 percent.

14. The existing garage is not being used as such. The access is narrow and steep. Part of the space is used for storage, the remainder is unused. There is adequate on street parking which the applicant generally uses.

15. The parking space provided in the front yard will be in the existing driveway in front of the garage. The area is cut into an approximately five foot high embankment

which is heavily landscaped. Any vehicle parked in this space will not be visible from the neighboring property.

16. The basement level, which is partially above ground, of the eastern addition will function as a family room. This room will also function as a studio for the applicant's wife whose hobby is art and as a space for large family gatherings. There is currently no space in the home large enough for such functions.

17. The first floor of the eastern addition will contain a terrace and a breakfast room adjacent to the existing kitchen. The kitchen is currently too small to function efficiently.

18. The rear yard of the subject site is flat directly behind the house. The far half of the rear yard consists of a steep embankment. The neighbor's house to the north is one and a half stories higher than the subject structure. At the top of the embankment is an eight foot high fence and a thick grove of bamboo trees. The additions will not be visible from the rear neighbor's lot.

19. The front of the site slopes steeply toward Cathedral Avenue.

20. Because of the site's unusual topography, a flat stretch between two steep slopes, there are no alternative locations for the additions.

21. The applicant discussed the plans for the proposed additions with his immediate neighbors. They had no objections and submitted letters to the record in support of the subject application.

22. One neighbor residing in the subject square approximately 360 feet from the subject site submitted a statement to the record calling the application a disgraceful compromise of community standards all to gain a windfall profit. No further clarification was given. The Board does not concur and finds that no evidence has been submitted to support the statement.

23. Advisory Neighborhood Commission 3D filed no report on the subject application.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness,

shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent of the zone plan.

The Board concludes that the applicant has met the burden of proof. The proposed additions are located in the only logical places considering the existing spatial functions and circulation as well as the unusual topography of the lot. The additions, which are small, are completely screened from the property to the rear where the setback variance is required. The parking space proposed for the front yard is also effectively screened. The Board concludes that the variances requested will not have adverse impacts on neighboring properties and that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan.

Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 3-0 (William F. McIntosh, Charles R. Norris to grant; Patricia N. Mathews to grant by proxy; Carrie L. Thornhill not voting, not having heard the case; Douglas J. Patton, not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



CECIL B. TUCKER  
Acting Executive Director

FINAL DATE OF ORDER: 12 FEB 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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